



Date Mailed: December 22, 2025
Docket No.: 25-042115
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
MI [REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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Case No.: [REDACTED]

Petitioner: [REDACTED]

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on December 17, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Kathleen Zewatsky, Overpayment Establishment Analyst.

ISSUE

Did Petitioner receive an overissuance of Food Assistance Program (FAP) benefits that the Department is entitled to recoup?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was an ongoing FAP recipient between the period of November 1, 2024, through June 30, 2025 (Exhibit A, pp. 14-15).
2. On October 10, 2024, the Department sent Petitioner a New Hire Client Notice requesting verification of her income with [REDACTED] (Exhibit A, pp. 57-59). On October 18, 2024, Petitioner returned the New Hire Client Notice.
3. On December 17, 2024, Petitioner completed a Semi-Annual related to her FAP benefit case and reported her income at [REDACTED] (Exhibit A, pp. 68-74).
4. On February 21, 2025, the Department sent Petitioner a Notice of Case Action informing her she was approved for FAP benefits and did not include the income from [REDACTED] (Exhibit A, pp. 36-42).
5. On November 10, 2025, the Department sent Petitioner a Notice of Overissuance informing her that she was overissued FAP benefits for the period of November 1, 2024, through June 30, 2025, in the amount of \$2,469 due to Agency error (Exhibit A, pp. 7-8).

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6. On November 20, 2025, Petitioner submitted a request for hearing disputing the Department's actions.
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CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-119b, and Mich Admin Code, R 400.3001-.3011.

In this case, Petitioner submitted a new client hire notice on October 18, 2024, and a semi annual on December 17, 2024, indicating she had income at [REDACTED].

All countable earned and unearned income available to the client must be considered in determining a client's eligibility for program benefits. An employee's wages include salaries, tips, commissions, bonuses, severance pay and flexible benefit funds not used to purchase insurance. The Department counts gross wages in the calculation of earned income. BEM 501 (July 2016), pp. 6-7.

Despite the information provided by Petitioner, the Department did not include her earned income from [REDACTED] in the calculation of her FAP benefit amount throughout the period of November 1, 2024, through June 30, 2025. As such, the Department testified that Petitioner's FAP benefit amount was improperly calculated, as the earned income from Petitioner's employment income from [REDACTED] should have been included in Petitioner's FAP budget. The Department testified that Petitioner was overissued FAP benefits for the period of November 1, 2024, through June 30, 2025, in the amount of \$2,469 due to Agency error.

When a client group receives more benefits that it is entitled to receive, the Department **must** attempt to recoup the overissuance. BAM 700 (October 2016), p. 1. An agency error is caused by incorrect action by the Department staff or department processes. BAM 700, p. 4. The amount of the overissuance is the benefit amount the group actually received minus the amount the group was eligible to receive. BAM 705 (January 2016), p. 6. If improper budgeting of income caused the overissuance, the Department will use actual income for the past overissuance month for that income source when determining the correct benefit amount. BAM 705, p. 8.

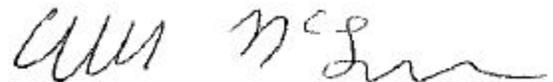
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The Department presented the new hire client notice and the semi-annual report submitted by Petitioner. The Department also presented a wage report verifying Petitioner's wages during the period of November 1, 2024, through June 30, 2025 (Exhibit A, p. 52). Additionally, the Department presented Notices of Case Action issued on August 8, 2024, and February 21, 2025, showing the income from [REDACTED] was not budgeted. As such, the Department correctly determined Petitioner's earned income from [REDACTED] was not properly budgeted, and she was overissued FAP benefits as a result of Agency error.

The Department presented Petitioner's Benefit Summary, which showed she was issued \$3,216 in FAP benefits for the period of November 1, 2024, through June 30, 2025 (Exhibit A, pp. 14-15). The Department presented overissuance budgets for the same time period (Exhibit A, pp. 16-28). The Department recalculated Petitioner's FAP benefits by adding Petitioner's earned income [REDACTED]. The budgets show that for the period of November 1, 2024, through June 30, 2025, Petitioner was only entitled to receive \$747 in FAP benefits. Therefore, the Department established it properly determined Petitioner was overissued FAP benefits in the amount of \$2,469.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined Petitioner received an overissuance of FAP benefits in the amount of \$2,469. Accordingly, the Department's decision is **AFFIRMED**.



**ELLEN MCLEMORE
ADMINISTRATIVE LAW JUDGE**

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Agency Representative

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Petitioner

[REDACTED]
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